

**CONSOLIDATED JOINT COASTAL PERMIT AND
SOVEREIGN SUBMERGED LANDS AUTHORIZATION**

PERMITTEE/AUTHORIZED ENTITY:

U. S. Army Corps of Engineers
c/o Mr. Richard E. Bonner, P.E.
Jacksonville District
Post Office Box 4970
Jacksonville, Florida 32232-0019

Permit/Authorization No.: 0129277-001-JC

Date of Issue: February 22, 2001

Expiration Date/

Construction Phase: February 22, 2006

County: Duval

Project: Jacksonville Harbor Channel
Deepening and Maintenance Dredging

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). This permit constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act, and certification of compliance with state water quality standards pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341.

This activity also requires a proprietary authorization, as the activity is located on sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, F.S. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take final action on this request for proprietary authorization in accordance with Section 18-21.0051, F.A.C., and the Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C. In addition to the above, this proprietary authorization has been reviewed in accordance with Chapter 253, F.S., Chapter 18-21, Section 62-343.075, F.A.C., and the policies of the Board of Trustees.

As staff to the Board of Trustees, the Department has reviewed the activity described below, and has determined that the activity qualifies for a consent to use sovereign, submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. Therefore, consent is hereby granted, pursuant to Chapter 253.77, F.S., to perform the activity on the specified sovereign submerged lands.

The U. S. Army Corps of Engineers (Corps) is hereby authorized to construct the work in accordance with the permit project description and conditions, including the water quality monitoring requirements, and other application documents attached hereto or on file with the Department and specifically made a part hereof.

PROJECT DESCRIPTION:

The maintenance portion of the project will consist of dredging approximately two to three million cubic yards of shoal material annually in Jacksonville Harbor from the Terminal Channel to Entrance Channel Cut 3. Dredged material will be placed in upland disposal areas D/A-Q1 and D/A-1 (Bartram Island), D/A-2A (Buck Island), and D/A-2 (JEA), in an Ocean Disposal Site, and on the South Beach Placement Area.

The permitted project will also involve a construction effort for the main ship channel from the inlet to the first 14.7 miles inland, deepening of the West Blount Island channel, and construction of Advanced Maintenance Zones, including removal of a side shoal at the east entrance to Mill Cove. The project will result in placement of approximately three million cubic yards of sand, shell, silt, clay, and rock removed from the harbor. The disposal area for sand taken from the inlet to the first four miles inland will be on the beach adjacent to and south of the inlet. The Mayport Naval Station Beach and Kathryn Abbey Hanna County Park would be used for this disposal. If these areas reach capacity, beach fill to the south would occur. For the balance of non-rock material, the Buck Island, east Bartram Island, and west Bartram Island existing upland disposal areas will be used. Rock will be mechanically dredged and placed offshore within three proposed offshore artificial reef creation sites. The use of explosives for the project is prohibited.

This congressionally authorized navigation project will consist of deepening and maintaining the main ship channel to a total project depth of -40 feet plus -2 feet overdepth Mean Low Water (MLW) from a current total project depth of -38 feet plus -2 feet overdepth MLW. The deeper main channel bottom will be narrower than the current main channel bottom by an average of 25 feet with the exception of Cuts 3-6 and Cuts 40-41. Cuts 3-6 will be narrowed by an average of 40 feet. Cut 40 will be reduced from 1200 feet to 600 feet and Cut 41 will be reduced from 1,000 feet to 600 feet wide. In the construction process, the side slopes will not be shaped. The narrower main channel would help reduce any impact on forces that might affect channel shoreline erosion.

The construction will also remove a side shoal at the east entrance to Mill Cove and create four other Advanced Maintenance Zones in areas of the channel allowing an additional two feet of depth beyond the previous tolerances. Rock material will be excavated using a mechanical (clam shell) dredge that places the material in bottom-dump barges to be used in offshore artificial reef construction. If necessary, a punch rig, or similar equipment, would be used to break up any in situ material. All material to be placed on the beach will be coarse grained, with material compatibility having been established by past placement activities. All other excavated materials along the main ship channel length and Advanced Maintenance Zones will be pumped through pipelines to Buck or Bartram Island disposal areas. The existing disposal area on the east end of Bartram Island would be used after raising of the dike.

Also, the project will result in a deepening of two miles of the West Blount Island channel starting at the main ship channel to a total project depth of -38 feet plus -2 feet overdepth MLW from a current total project depth of -30 feet plus -2 feet overdepth MLW. This deepening will be done over the entire existing channel bottom profile. For this channel, material will be excavated using a large rock cutting hydraulic dredge. The material from the

West Blount Island channel would be disposed of via pipeline to the east end of Bartram Island after the existing dike has been raised.

LOCATION:

Located in the St. Johns River from Commodore Point in downtown Jacksonville to the mouth of the river, Duval County, Class III Waters, adjacent to the Outstanding Florida Waters of the Nassau River - St. Johns River Marshes Aquatic Preserve.

GENERAL CONDITIONS:

1. All activities approved shall be implemented as set forth in the drawings incorporated by reference and in compliance with the conditions and requirements of this document. The Corps shall notify the Department in writing of any anticipated significant deviation from this authorization prior to implementation so that the Department can determine whether a modification is required. If the Department determines that a deviation is significant, then the Corps or the local sponsor, as appropriate, shall apply for and obtain the modification prior to its implementation.
2. If, for any reason, the Corps does not comply with any condition or limitation specified herein, the Corps shall immediately provide the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. Compliance with the provisions of this condition shall not preclude the Department from taking any enforcement action allowed under state law to the extent that federal sovereign immunity has been waived under 33 U.S.C. 1323 and 1344(t).
3. The Corps shall obtain any applicable licenses or permits which may be required by federal, state, local or special district laws and regulations. Nothing herein constitutes a waiver or approval of other Department permits or authorizations that may be required for other aspects of the total project. Projects shall not proceed until any other required permits or authorizations have been issued by the responsible agency.
4. Nothing herein conveys title to land or water, constitutes State recognition or acknowledgment of title, or constitutes authority for the use of sovereign land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided, and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State.
5. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this authorization or a formal determination under Section 373.421(2), F.S., provides otherwise.

6. Nothing herein conveys to the Corps or creates in the Corps any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Corps or local sponsor, or convey any vested rights or any exclusive privileges.

7. This document or a copy thereof, complete with all conditions, attachments, modifications, and time extensions shall be kept at the work site on the authorized activity. The Corps shall require the contractor to review this document prior to commencement of the authorized activity.

8. The Corps specifically agrees to allow Department personnel with proper identification, at reasonable times and in compliance with Corps specified safety standards access to the premises where the authorized activity is located or conducted for the purpose of ascertaining compliance with the terms of this document and with the rules of the Department and to have access to and copy any records that must be kept; to inspect the facility, equipment, practices, or operations regulated or required; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance. Reasonable time may depend on the nature of the concern being investigated.

9. At least forty-eight (48) hours prior to the commencement of authorized activity, the Corps shall submit to the Department a written notice of commencement of activities indicating the anticipated start date and the anticipated completion date.

10. If historic or archaeological artifacts are discovered at any time on the project site, the Corps shall immediately notify the State Historic Preservation Officer, and if a significant deviation is necessary, shall also notify the Department.

11. Within a reasonable time after completion of project construction or a periodic maintenance dredging event, the Corps shall submit to the Department a written statement of completion. This statement shall notify the Department that the work has been completed as authorized and shall include a description of the actual work completed. The Department shall be provided, if requested, a copy of any as-built drawings required of the contractor or survey performed by the Corps.

SPECIFIC CONDITIONS:

1. Prior to each dredging event, the Corps shall provide two copies of final construction plans and specifications for all authorized activities and two copies of the Contractor's Environmental Protection Plan submitted in accordance with Section 01410 of the project specifications.

2. In order to ensure that shore birds will not be affected by construction activities during the nesting season (April 1 through August 31), the final construction plans and specifications, or the contractor's Environmental Protection Plan shall include protection measures consistent with

the Jacksonville District U.S. Army Corp of Engineers' Migratory Bird Protection Policy. Prior to commencement of construction, the permittee will provide a copy of the bird protection plan to the Office of Beaches and Coastal Systems.

3. At least 7 days prior to the planned commencement date of construction, the Corps will schedule a pre-construction conference to review the specific conditions of this permit and the environmental protection contract specifications with the Corps' contractors, work crews, the Department's permit staff representative, and the marine turtle permit holder. The permittee shall provide a minimum of 7 days advance written notification to the following offices advising of the date, time, and location of the pre-construction conference:

DEP Office of Beaches and Coastal Systems
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000
fax: (850) 488-5257

FWCC Office of Environmental Services
Bureau of Protected Species Management
620 South Meridian Street
Tallahassee, Florida 32399-1600
fax: (850) 921-4369

DEP Northeast District Office
Submerged Lands and Environmental Resources Program
7825 Baymeadows Way, Suite B-200
Jacksonville, Florida 32256-7590
fax: (904) 448-4366

4. For pipeline placement through marginal saltmarsh vegetation adjacent to the upland disposal areas, the contractor will adhere to the following conditions:
- a. There shall be no storage or stockpiling of tools, materials (i.e., pipeline, pilings, debris) within wetlands or along the shoreline within the saltmarsh littoral zone.
 - b. Best management practices shall be implemented to minimize disturbance to the saltmarsh vegetation during placement, repair, and removal of the pipeline.
 - c. The pipeline shall not be placed over any oyster beds.
 - d. Any inadvertent impacts to saltmarsh will be repaired after construction by restoring natural grade and replanting where necessary.

5. The permittee and the Department, within their respective authorities and funding, shall ensure that beach compatible dredged material is placed on Florida's beaches to the extent economically feasible, consistent with Florida's beach management plan adopted pursuant to Chapter 161, F.S. and other beneficial uses criteria as may be specified by the Department and applicable federal standards. To further the parties' goals for sediment management, prior to each dredging event the Corps shall provide the Department with existing geotechnical information characterizing the sediments to be dredged and alternative disposal options with projected costs to allow the Department to participate in funding alternative disposal options over the least costly method.

6. In the event a hopper dredge is utilized for sand excavation, all conditions in the NMFS Biological Opinion for hopper dredging along the S.E. U.S. Atlantic Coast dated August 25, 1995 and Interim Biological Opinion dated April 9, 1997, as amended in the Regional Biological Opinion dated September 25, 1997, must be followed, unless superceded by a subsequent NMFS Opinion, and the Department is notified of the new Opinion. The Corps shall also forward to the Bureau of Protected Species Management in Tallahassee copies of the reports specified in the Opinion.

7. In addition to the standard manatee protection conditions included in the project plans and specifications, the following marine mammal protection conditions shall be followed:

a. Blasting shall be prohibited.

b. At least one person shall be designated as a dedicated manatee observer, and shall be present on the dredge barge at all times when in-water work is being performed. That person shall have experience in manatee observation, and be equipped with polarized sunglasses to aid in observation. The manatee observer shall advise construction personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. When so advised, the contractor shall cease operation until the threat to the manatee has passed. Movement of work barges, other associated vessels, or any in-water work shall be minimized after sunset, when the possibility of spotting manatees is negligible.

c. From December 1 to March 31 all vessels should post a dedicated observer to spot right whales in the southeastern critical habitat area. The southeastern critical habitat area extends from 31°15'N to 30°15'N out 15 miles offshore and from 30°15'N to 28°00'N out 5 miles offshore. If a whale is seen, the vessel speed should be reduced (8 knots is suggested) and the vessel operator must stay 500 yards from the whale and take the necessary precautions to avoid the whale. Daily updates of whale sightings during this portion of the year are maintained by the St. Johns Bar Pilots Association available at (904) 246-6716 or on VHF marine channel 14. Any whale sightings shall be reported to the U.S. Coast Guard at (904) 247-7301.

- d. From December 15 through February 15 vessels shall proceed at reduced speeds (suggested 8 knots) in the southeastern right whale critical habitat area.
 - e. A hydraulic cutterhead suction dredge will be used to the maximum practical extent.
 - f. Lighting of nighttime clamshell dredging operations will be shielded and directed so as to include illumination of waters within 200 feet of the perimeter of the dredge barge.
 - g. The dredge barge operator will gravity-release the clamshell bucket only at the water surface, and only after confirmation that there are no manatees within the safety distance identified in the standard construction conditions.
 - h. Where and when practical, clamshell dredging will be avoided between river mile markers four through six from March through May and September through November.
8. Reports on all nesting activity, and marine turtle protection measures taken during construction, and nest success shall be provided for the initial nesting season and for a minimum of up to three additional nesting seasons. Monitoring of nesting activity in the nesting seasons following construction shall include, but not be limited to, daily surveys enumerating nesting activity and evaluating hatching success. Reports shall also include hatching success of all relocated nests.
9. In the event that the Jacksonville Port Authority or City of Jacksonville does not conduct the necessary marine turtle protection and monitoring requirements, the Corps is responsible for the following marine turtle protection measures, consistent with the latest U. S. Fish and Wildlife Service Biological Opinion, Terms and Conditions:
- a. A sea turtle nesting survey and conservation program is required if any portion of the beach nourishment activities occurs between April 15 through September 30. Nesting surveys shall begin 65 days prior to nourishment activities or by April 15, whichever is later. Nesting surveys shall continue through the end of the project or through September 30, whichever is earlier. Nests that may be affected by construction activities shall be relocated per the following requirements.
 - 1. Nest surveys and egg relocations shall only be conducted by personnel with prior experience and training in nest survey and egg relocation procedures. Surveyors shall have a valid Florida Fish and Wildlife Conservation Commission (FWC) marine turtle permit. Nest surveys shall be conducted daily between sunrise and 9 a.m. These surveys shall be performed in such a manner so as to ensure that daily movement of the construction activity does not extend into any unsurveyed area.
 - 2. Only those nests that may be affected by construction activities are required to be relocated. Any nests requiring relocation shall be moved between sunrise and 10 a.m. each day to a nearby self release beach site in a secure setting where artificial lighting will not interfere with hatchling orientation.

Nest relocations in association with construction activities shall not be performed if construction activities are not anticipated to be initiated within 65 days of the date of a nesting event. Nest relocations in association with construction activities shall cease when construction activities no longer threaten nests. Nests deposited within areas where construction activities have ceased or will not occur for 65 days shall be marked and left in place unless other factors threaten the success of the nest. Any nests left in the active construction zone shall be clearly marked, and all mechanical equipment shall avoid nests by at least 10 feet.

b. Immediately after completion of the beach nourishment project and prior to of the next three nesting seasons, beach compaction shall be monitored in the area of restoration in accordance with a protocol agreed to by the FWC, the Department, and the applicant. At a minimum, the protocol provided under 3a and 3b below shall be followed. If required, the area shall be tilled to a depth of 36 inches. All tilling activity must be completed prior to April 15. If the project is completed during the nesting season, tilling shall not be performed in areas where nests have been left in place or relocated. A report on the results of compaction monitoring shall be submitted to the FWC and Department prior to any tilling actions being taken. An annual summary of compaction and the actions taken shall be submitted to the FWC. This condition shall be evaluated annually and may be modified if necessary to address sand compaction problems identified during the previous year.

1. Compaction sampling stations shall be located at 500-foot intervals along the project area. One station shall be at the seaward edge of the dune/bulkhead line (when material is placed in this area); one station shall be midway between the dune line and the high water line (normal wrack line); and one station shall be located just landward of the high water line. At each station, the cone penetrometer shall be pushed to a depth of 6, 12, and 18 inches three times (three replicates). Material may be removed from the hole if necessary to ensure accurate readings of successive levels of sediment. The penetrometer may need to be reset between pushes, especially if sediment layering exists. Layers of highly compact material may lay over less compact layers. Replicates shall be located as close to each other as possible, without interacting with the previous hole and/or disturbed sediments. The three replicate compaction values for each depth are then averaged to produce final values for each depth at each station. Reports shall include all 27 values for each transect line, and the final 9 averaged compaction values.

2. If the average value for any depth exceeds 500 psi for any two or more adjacent stations, then that area shall be tilled immediately prior to April 15. If values exceeding 500 psi are distributed throughout the project area but in no case do those values exist at two adjacent stations at the same depth, then consultation with the Department and FWC shall be required to determine if tilling is required. If a few values exceeding 500 psi are present randomly within the project area, tilling shall not be required.

c. Visual surveys for escarpments along the project area shall be made immediately after completion of the beach nourishment project and monthly (from May through October) for three consecutive years following construction. Results of the surveys shall be submitted to the FWC following their collection. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet shall be leveled to the natural beach contour by April 15. If the project is completed during the sea turtle nesting and hatching season, escarpments may be required to be

leveled immediately, while protecting nests that have been relocated or left in place. The FWC shall be contacted immediately if subsequent reformation of escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet occurs during the nesting and hatching season to determine the appropriate action to be taken. If it is determined that escarpment leveling is required during the nesting or hatching season, the FWC shall provide a brief written authorization that describes methods to be used to reduce the likelihood of impacting existing nests. An annual summary of escarpment surveys and actions taken shall be submitted to the FWC. Marine turtle nesting surveys must be conducted as specified in Specific Condition 8, and 9b, during implementation of this requirement.

d. The applicant shall arrange a meeting between representatives of the contractor, the FWC, the Florida Department of Environmental Protection and the permitted person responsible for egg relocation at least 30 days prior to the commencement of work on this project. At least 10 days advance notice shall be provided prior to conducting this meeting. This will provide an opportunity for explanation and/or clarification of the sea turtle protection measures.

e. From April 15 through November 30, no construction equipment shall be parked on the beach where it could hinder sea turtle nesting and hatching activities. In addition, all construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the existing or reconstructed dune system. Temporary storage of pipes shall be off of the beach to the maximum extent possible. Temporary storage of pipes on the beach shall be in such a manner so as to impact the least amount of nesting habitat and shall likewise not compromise the integrity of the dune systems. Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtles nesting and hatching activities.

f. From April 15 through November 30, all on-beach lighting associated with the project shall be limited to the immediate area of active construction only. Shielded low pressure sodium vapor lights are recommended to minimize illumination of the nesting beach and nearshore waters. Lighting on offshore equipment shall be minimized through reduction, shielding lowering, and appropriate placement of lights to avoid excessive illumination of the water, while meeting all U.S. Coast Guard and OSHA requirements. Shielded low pressure sodium vapor lights are highly recommended for lights on offshore equipment that cannot be eliminated.

g. In the event a sea turtle nest is excavated during construction activities, all work shall cease in that area immediately and the permitted person responsible for egg relocation for the project should be notified so the eggs can be moved to a suitable relocation site.

h. Upon locating a dead, injured, or sick endangered or threatened sea turtle specimen, initial notification must be made to the FWC at 1-800-DIAL FMP. Care should be taken in handling sick or injured specimens to ensure effective treatment and care, and in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered or threatened species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not

unnecessarily disturbed.

MONITORING REQUIRED:

Water Quality - Turbidity - Nephelometric Turbidity Units (NTUs)

Frequency: Twice daily at least 4 hours apart during all dredging and disposal site discharge.

Dredge Site and Upland Disposal Site Locations:

Background: At mid-depth, at least 500 meters upcurrent from the dredge or discharge point and clearly outside the influence of any turbidity generated by the project.

Compliance: At mid-depth, no more than 150 meters downcurrent from the dredge or discharge point within the densest portion of any visible turbidity plume.

Beach Disposal Site Location:

Background: At mid-depth, approximately 150 meters offshore and at least 500 meters upcurrent from the discharge point and clearly outside of the influence of any turbidity generated by this project.

Compliance: At mid-depth, approximately 150 meters offshore and no more than 150 meters downcurrent from the discharge point within the densest portion of any visible turbidity plume.

The compliance locations given above shall be considered the limits of the temporary mixing zone for turbidity allowed during construction. During all maintenance dredging and disposal operations, turbidity levels shall not exceed these standards and mixing zone limits. If monitoring reveals turbidity levels at the compliance sites greater than 29 NTUs above the associated background turbidity levels, construction activities shall cease immediately and not resume until corrective measures have been taken and turbidity has returned to acceptable levels.

The following measures shall be taken by the permittee whenever turbidity levels at the limit of the mixing zone exceed the standards described in the Monitoring Required section, pursuant to Rule 62-302, F.A.C.:

- a. Immediately cease all work contributing to the water quality violation.
- b. Modify the work procedures that were responsible for the violation.
- c. Notify the Office of Beaches and Coastal Systems at (850) 487-4471 and the DEP Northeast District Office at (904) 448-4300 within 24 hrs. of the time the violation is first detected.

Copies of all reports (Turbidity Monitoring Test Report, Section 01411, Appendix A, Plans and Specifications) shall be submitted to the Office of Beaches and Coastal Systems in Tallahassee and the DEP Northeast District Office in Jacksonville on a weekly basis within seven days of collection. The data shall be submitted with a cover letter containing the following information: (1) permit number; (2) a statement describing the methods used in collection, handling, storage and analysis of the samples; (3) a map indicating the sampling locations; and (4) a statement by the individual responsible for implementation of the sampling program concerning the authenticity, precision, limits of detection and accuracy of the data.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Alfred B. Devereaux, Jr., Director
Office of Beaches and Coastal Systems

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Deputy Clerk

Date

Enclosures:
Drawings, 37 pages